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Attorneys for Plaintiff SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware corporation; and DOES 1-10, inclusive,

Defendants.

Case No. CV 08 1376 CW

**DECLARATION OF ANJI WEBB IN
SUPPORT OF PRELIMINARY INJUNCTION
AND EXPEDITED DISCOVERY**

Date: March 27, 2008
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. Claudia Wilken

Date of Filing: March 11, 2008
Trial Date: No date set

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1 I, Anji Webb, hereby declare:

2 1. I am Director, HR Systems and Services at GameStop, Inc. GameStop is one of
3 the largest video game retailers in the world. Under the names GameStop, EB Games and
4 Electronics Boutique, it has over 4,400 retail stores located throughout the United States and in
5 fifteen countries. Gamestop is headquartered in Grapevine, Texas. I have been employed with
6 the company since August 2007. I make this declaration of my own personal knowledge, except
7 to any extent otherwise specified. If called as a witness, I could and would testify competently to
8 the facts set forth herein.

9 2. On or about March 4, 2008, I received a copy of a 43-page PowerPoint
10 Presentation entitled "The Naked Truth." Attached as Exhibit 1 is a true and correct copy of the
11 cover email that I received from "John Anonymous" [<mailto:hcmknowledge2008a@gmail.com>].
12 The email shows it was sent on Tuesday, March 04, 2008 at 8:52 pm. I believe this is local time.
13 It was sent to my GameStop email address. In the cover email, it states that "If you are thinking
14 about purchasing SuccessFactors, please read the following document; it provides information
15 about SuccessFactors which they do not want you to know."

16 3. GameStop was in the process of evaluating both SuccessFactors and Softscape as
17 potential software vendors for their on-demand human capital management (HCM) software at
18 the time I received this Presentation. In fact, SuccessFactors and Softscape were the only two
19 vendors in contention. GameStop is not a current customer of either company.

20 4. I reviewed the Presentation on the morning of March 5, 2008. It immediately
21 raised questions in my mind; questions that I did not have before I read this Presentation. For
22 example, I was concerned about statements in the Presentation about two-thirds of
23 SuccessFactors' customers leaving over a three-year period. If customers were leaving in droves,
24 this would a very big concern for a large company like ours and would definitely influence
25 GameStop's purchasing decision.

26 5. There were also statements about "long scrolling forms," which seemed
27 inconsistent with the product demos that SuccessFactors' representatives had performed. These
28 statements made me believe that the product was not as easy to use as was being advertised by

1 SuccessFactors. I forwarded the Presentation to my SuccessFactors sales rep, Wendy Jakszta,
2 soon after reviewing for her to address doubts and questions raised by it.

3 6. The Presentation uses SuccessFactors' logo and name throughout, but does not
4 mention any other company and includes no reference to Softscape, its products or services. I
5 had no idea that Softscape authored this Presentation.

6 7. My company has been in discussions with SuccessFactors' sales representatives
7 for approximately four months. I was having similar parallel sales discussions with Softscape
8 since October 2007. I participated in a web online meeting with them where Softscape sales
9 representatives demonstrated the product in November 2007.

10 8. As Director, HR Systems and Services, I am the person responsible for evaluating
11 and recommending software vendors for our HR operations. The SuccessFactors and Softscape
12 sales representatives know this. I received the Presentation at a time that GameStop was entering
13 into the final phase of choosing between SuccessFactors and Softscape for their HCM software.
14 We were about 45-60 days away from making our final decision.

15 9. I questioned whether any of the statements contained in the Presentation were true.
16 It left me feeling uncertain about the quality and reliability of SuccessFactors' software solutions,
17 and made me doubt statements being made by SuccessFactors' sales representatives.

18 10. Softscape representatives have not specifically mentioned the Presentation to me
19 directly, but I did receive a personalized email from Dave Watkins, CEO of Softscape. Attached
20 as Exhibit 2 is a true and correct copy of an email dated March 15, 2008 from Softscape's CEO.
21 It said that he wanted to "personally apologize for any distractions that the lawsuit filed by my
22 competitor, SuccessFactors may have caused you." He then asked me to contact Softscape if I
23 received any email or other communications from SuccessFactors about this matter. Mr. Watkins
24 included a link to SuccessFactors' March 14, 2008 press release, which made statements about
25 the Presentation. He did not ask that I destroy or return the Presentation, which I now understand
26 was prepared by Softscape.

EXHIBIT 1 TO DECLARATION OF ANJI WEBB

Anji Webb

From: John Anonymous [hcmknowledge2008a@gmail.com]
Sent: Tuesday, March 04, 2008 8:52 PM
To: hcmknowledge2008a@gmail.com
Subject: SuccessFactors Failures and Problems

Attachments: SuccessFactors_Failures_and_Problems.pdf



SuccessFactors_Fail
ures_and_Pr...

If you are thinking about purchasing from SuccessFactors, please read the following document; it provides information about Successfactors which they do not want you to know.

EXHIBIT 2 TO DECLARATION OF ANJI WEBB

Anji Webb

From: Dave Watkins [dwatkins@softscape.com]
Sent: Saturday, March 15, 2008 8:11 AM
To: Anji Webb
Cc: John Harb
Subject: Greetings from Softscape

Anji Webb:
Director of HR Systems and Services
GameStop Corp.

Dear Anji:

I want to personally apologize for any distractions that the lawsuit filed by my competitor, Successfactors may have caused you. We are taking this matter very seriously and are investigating all facts. I want to assure you that this matter does not affect your initiative or our long term relationship. We issued this press release today.

If you receive any email communications from Successfactors, or anyone else about this matter, I would appreciate it if you let us know. Our focus is ensuring your ongoing success and providing you with the highest level of service.

As always, if there is anything I can do to assist you, please let me know.

Very truly yours,

Dave Watkins
Founder, CEO
Softscape, Incorporated



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Softscape Exceeds 3.4 Million Users, Dominates Strategic Human Capital Management Market for Global Enterprises, Increased Demand From Large Multi-National Enterprises and Ongoing Profitable Operations Close Out Stellar Year

For more, please see the press release at http://www.softscape.com/us/pr2008/pr_08_0310_dominates.htm

3/21/2008